

From: L.D. Best
To: Renata B. Hesse
Date: 12/29/01 1:01pm
Subject: Suggestion

I learned long ago that I cannot know everything. I know a bit about how the "law" works because I've been forced to deal with it on my own, without an attorney. I know quite a bit about how computers work, because both my budget and my interests have had me building my own stuff. I also know quite a bit about how software works, and how/why some software doesn't work, because I've had a personal computer for twenty (20) years now. Much of the best software I have -- or had -- is no longer of much worth to me, because the companies who sold and supported it were either run out of business by Microsoft, or bought out so the software could be "incorporated" into a Windows bundle ... thus making it unworkable. And being forced to move to Windows means that I've had to move from a '286 machine to a Pentium 4 1.4GHz machine ... a big jump that leaves the majority of the worlds' population unable to make it.

My suggestion is that when it comes to software and computer systems and fairness of any settlement, lawyers do NOT know enough to make the decisions. There are still a few software companies around who might be able to give attorneys a better view of what software should and shouldn't do, what system integration should and should not be, what exclusionary practices should be considered as ongoing monopolistic activities. And there are, of course, "the open source people" -- not exclusively Linux -- who could explain more clearly the dangers of continuing to allow Microsoft to determine what its punishment should be.

Microsoft's business practices, and the current 'settlement' as proposed, are horribly dangerous... and that is NOT a flagrant exaggeration. They released Windows 2000 while publicly admitting there were at least 1,000,000 bugs they didn't want to bother to fix; they released WindowsME with a blare of trumpets, and within weeks were telling any and sundry to NOT upgrade to ME because of too many problems; they released WindowsXP with a promise of the best security and safety of any release to date -- and now are having to face the fact that it offers what is possibly the worse system security breach ever found in any software ever used! But that is not the only danger. Because of the way Microsoft has done, and continues to do, business with advertising and hype to grab the public and scores of lawyers to assist in the "legal" theft of the intellectual properties of others, scores of good companies doing good work producing excellent software have been driven out of business, and tens of thousands of people have lost their jobs in the last ten years ... all directly as a result of Microsoft. To allow Microsoft to continue to exert so much influence, to effectively encourage Microsoft to continue doing what they have always

done, is going to negatively impact an economy which is stil so badly shaken up that no one with ethics would even attempt to forecast what will happen in the next year.

And DOJ has to realize that Microsoft can never be judged by "a jury of peers" because no other commercial enterprise in the history of the world ever managed to get such a stranglehold on the economy of multiple nations; the railroad monopolies, the steel monopolies, the "good ol' boy clubs" of the last two centuries are all child's play compared to Microsoft. And the "power of the dollar" that Bill Gates himself wields is without equal, or even reference points...

If the proposed settlement is not scrapped, and the original remedies ordered not implemented, DOJ is effectively placing the security and the economy of our country into the hands of Microsoft.

Not only is that bad business, it's un-Constitutional IMNSHO.

Most sincerely,

I.d.
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